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(602) 262-6761



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OFFICE OF THE CITY ATTORNEY GARY VERBURG, City Attorney State Bar No. 005515 200 West Washington, Suite 1300

Phoenix, Arizona 85003-1611 Telephone (602) 262-6761

Fax (602) 524-7524

Email: <u>law.civil.minute.entries@phoenix.gov</u>

DANIEL L. BROWN, State Bar No. 013778

Assistant Chief Counsel

Email: daniel.l.brown@phoenix.gov

Attorneys for Applicant City of Phoenix

BEFORE THE ARIZONA CORPORATION COMMISSION

## **COMMISSIONERS:**

KRISTIN K. MAYES, Chairman GARY PIERCE PAUL NEWMAN SANDRA D. KENNEDY BOB STUMP

IN THE MATTER OF THE APPLICATION OF THE CITY OF PHOENIX TO CLOSE THE EAST SIDE OF THE 1<sup>ST</sup> AVENUE RAILROAD PEDESTRIAN CROSSING AT THE TRACKS OF THE UNION PACIFIC RAILROAD BETWEEN JACKSON STREET AND BUCHANAN STREET, IN THE CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, AT AAR/DOT NO. 741-472-S.

DOCKET NO. RR-03639A-09-0373

RESPONSE BY APPLICANT CITY
OF PHOENIX TO STAFF'S FIRST SET
OF DATA REQUESTS

Pursuant to A.R.S. § 40-243 and A.A.C.R. 14-3-109, Applicant City of

Phoenix hereby responds to Staff's First Set of Data Requests dated September 14, 2009,

as follows:

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Arizona Corporation Commission

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OFFICE OF THE CLITY ALTOKNEY GARY VERBURG, City Attorney 200 WEST WASHINGTON, SUITE 1300 PHOENIX, ARIZONA 85003-1611

**Street Transportation Department** Please describe the surrounding areas, i.e. what types of businesses are in The area in and around the proposed quiet zone and the proposed crossing closure between 3<sup>rd</sup> Avenue and 4<sup>th</sup> Street is not densely populated with either residential uses or businesses. There are three residential complexes within one half mile of the railroad tracks and a handful of single family homes within one half mile of the proposed crossing closure. The three main residential complexes are the Summit, a high-rise condominium (157 units); Campaige Place, a single room occupancy complex (300 units); and Stadium Lofts condominium complex (32 units). There are approximately 5-10 industrial businesses within one-half mile as well as 5-10 bars and restaurants. The largest potential group of people using the crossing originates three blocks to the north of the railroad tracks where there are numerous governmental buildings located within a one-half mile radius. Also located within a one-half mile radius area are US Airways Center and Chase Field. These sports complexes have events between 80 to 100 days per year. The vast majority of people traveling to these areas **Director of Planning & Economic Development Downtown Phoenix Partnership** 101 N. 1<sup>st</sup> Avenue, suite 1450 Please provide the number of daily train movements through the pedestrian crossing, as well as the train speed. Also provide the names of any railroads

Street.

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UPFICE OF THE CITY ATTOKINE)

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**Director of Planning & Economic Development Downtown Phoenix Partnership** 101 N. 1st Avenue, suite 1450 In narrative form, please describe when and under what circumstances the 1st Avenue crossing was changed to an underpass, when the pedestrian crossings were installed, and why. Please indicate what approvals were provided by the Commission for any of the described modifications. The project to grade separate 1st Ave at the Union Pacific Railroad tracks was part of the project to establish the one-way couplet through downtown Phoenix which utilized Central Ave as one-way northbound and 1st Ave as one-way southbound from north of Roosevelt St to south of Lincoln St. The purpose of the grade-separation was to provide for improved safety at the railroad crossing and to eliminate congestion and delay due to the closure of 1st Ave when a train was using the crossing. The 1988 ADT for 1st Ave at the UPRR was 13.000 vehicles per day (source: 1988 Phoenix Traffic Flow Map). The one-way couplet of 1st Ave/Central Ave was established in mid 1984. The 1st Ave underpass at the Union Pacific Railroad was built a few years later in **Traffic Engineering Supervisor Street Transportation Department** 200 W. Washington Street, 6<sup>th</sup> Floor The following constitutes a chronology of ACC and related railroad Per information in ACC's recommendation of the hearing Officer to the Commission for Docket No. R-85-238: 1. Per 1/13/83 meeting minutes from meeting with Phoenix and ACC, Phoenix provided ACC with a copy of the City's railroad permit. There was a discussion about Attorney General's

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GARY VERBURG, City Attorney	200 WEST WASHINGTON, SUITE 1300	PHOENIX, ARIZONA 85003-1611	2) 262-(	11 12 13 14 15 16 17
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use an SP temporary signal installation at 1<sup>st</sup> Avenue until the overpass was constructed.

- August 21, 1985 ACC sent "Notice of Hearing for Installation of Automatic Warning Signals at SP Crossing 1<sup>st</sup> Avenue just South of Jackson."
  - 1) Docket No. R-85-238
  - 2) Hearing Date September 6, 1985
  - 3) Signed by James Matthews, Executive Secretary
- October 11, 1985, ACC sent recommendation of the hearing Officer to the Commission for Docket No. R-85-238:
  - 1) 1<sup>st</sup> Avenue was changed to a one-way street on October 28, 1984.
  - 2) When 1<sup>st</sup> Avenue was a two-way street the average daily traffic count was 4,000 vehicles.
  - 3) After 1<sup>st</sup> Avenue was changed to a one-way street the average daily traffic count increased to 8,000 vehicles.
  - 4) Between October 28, 1984 and October 11, 1985 there were four separate accidents: a number of persons were injured one fatality and considerable property damage sustained.
  - 5) In the previous 12 years when 1<sup>st</sup> Avenue was a two-way street, there was only one recorded accident.
  - 6) The City proposed to construct an underpass on 1<sup>st</sup> Avenue because of the hazardous conditions above.
- October 21, 1985 ACC sent Phoenix a "Notice of Special Open Meeting Notice of the ACC" to be held on October 22, 1985 and a "Notice of Regular Open Meeting of the ACC" to be held on October 23, 1985. The agenda item that pertained to the City was about the automatic gates at 1<sup>st</sup> Avenue and the SP tracks.
- February 11, 1987 Phoenix sent Tanner (contractor) the Notice to Proceed for construction. The date was February 23, 1987.
   Contractor had 180 days to complete. The final completion date was August 22, 1987.
- January 26, 1988 Phoenix sent Tanner Final Acceptance Letter.
   The effective date was January 25, 1988.

Phoenix, Arizona 85007

1	Aziz Aman, Manager of Special Projects Union Pacific Railroad Company
2	2073 E. Jade Drive
3	Chandler, Arizona 85286-4898
4	Robert Travis, PE, State Railroad Liaison Utilities & Railroad Engineering Section
5	Arizona Department of Transportation 205 South 17 <sup>th</sup> Avenue, Room 357
6	Mail Drop 618E
7	Phoenix, Arizona 85007-3212
8	COPIES also sent via e-mail this 30 <sup>th</sup> day of September, 2009, to:
9	Janice Alward, Chief Counsel
10	Charles Hains, Staff Counsel Arizona Corporation Commission
11	1200 W. Washington Street
12	Phoenix, Arizona 85007 E-Mail: chains@azcc.gov
13	Brian Lehman, Chief
14	Chris Watson Railroad Safety Section
15	Arizona Corporation Commission 1200 W. Washington Street
16	Phoenix, Arizona 85007 E-Mail: cwatson@azcc.gov
17	7. ">
18	By: NUNCY Scall  DLB:tks/825510v1
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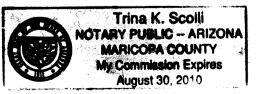
### **VERIFICATION**

VERTION
STATE OF ARIZONA ) ) ss.
County of Maricopa )
DAN KLOCKE, being duly sworn upon his oath, deposes and states as
follows:
That he is Director of Planning and Economic Development for the
Downtown Phoenix Partnership, which is working with the City of Phoenix to establish a
railroad horn quiet zone in downtown Phoenix;
2. That he has read Staff's First Set of Data Requests received by the
City of Phoenix in this matter;
3. That he has read the foregoing responses in Applicant City of
Phoenix's response and knows the contents thereof; and
4. That he provided the information responding to data request nos. 1.1,
1.4, and 1.10, and the responses that inquire of matters within his personal knowledge are
true and correct.
Dal July ec DAN KLOCKE
SUBSCRIBED AND SWORN to before me this $30$ day of September, 2009,
by Dan Klocke.
NOTÁRY PUBLIC
My Commission Expires:
Migust 30 ann

VERIFICATION
STATE OF ARIZONA )
) ss. County of Maricopa)
BELINDA CUMMINGS, being duly sworn upon her oath, deposes and states
as follows:
That she is a Civil Engineer II with the City of Phoenix Street
Transportation Department and that she is the project manager for the City to establish a
railroad horn quiet zone in downtown Phoenix. As part of establishing the quiet zone, she
is the City's contact for the City's application to close the subject pedestrian railroad
crossing at 1 <sup>st</sup> Avenue;
<ol><li>That she has read Staff's First Set of Data Requests received by the</li></ol>
City of Phoenix in this matter;
3. That she has read the foregoing responses in Applicant City of
Phoenix's Response and knows the contents thereof; and
4. That she provided the information responding to data request nos. 1.2
1.3, 1.5, 1.6, 1.7, part of 1.11, and 1.12, and the responses that inquire of matters within
her personal knowledge are true and correct.
Belinda Cumung BELINDA CUMMINGS
SUBSCRIBED AND SWORN to before me this 30 day of September, 2009
by Belinda Cummings.
NOTARY PUBLIC

My Commission Expires:

<u>August 30,2010</u>



### **VERIFICATION**

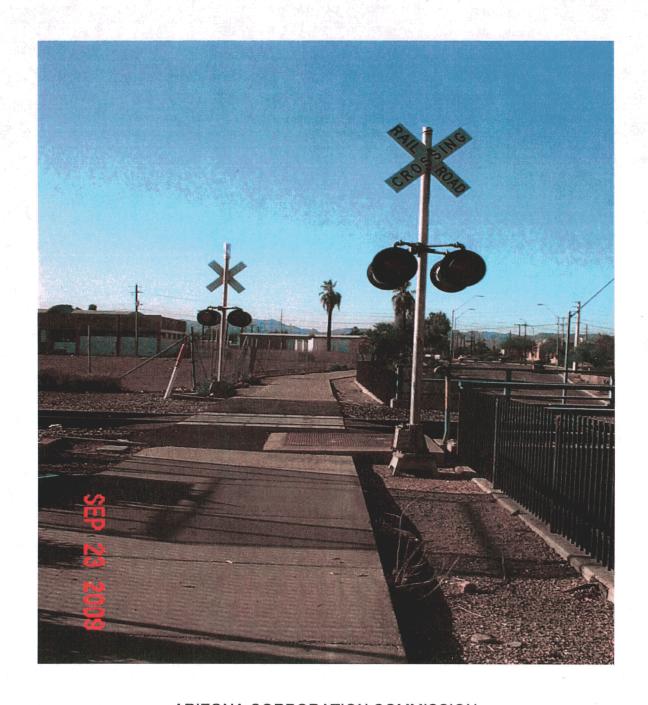
	VERTION
STATE OF ARIZO	·
County of Maricop	) ss. va )
JENI	NY L. GROTE, being duly sworn upon her oath, deposes and states as
follows:	
1.	That she is a Traffic Engineering Supervisor with the City of Phoenix
Street Transportat	ion Department;
2.	That she has read Staff's First Set of Data Requests received by the
City of Phoenix in	this matter;
3.	That she has read the foregoing responses in Applicant City of
Phoenix's respons	e and knows the contents thereof; and
4.	That she provided the information responding to data request nos. 1.8
and 1.9, and the re	esponses that inquire of matters within her personal knowledge are true
and correct.	
	Jenny L. Strote JENNY LIGROTE
SUB	SCRIBED AND SWORN to before me this $\cancel{30}$ day of September, 2009
by Jenny L. Grote.	
	NOTARY PUBLIC
My Commission E	xpires:
august 30	<u> 2010                                  </u>

# OFFICE OF THE CLLY ALLUKNEY GARY VERBURG, City Attorney 200 WEST WASHINGTON, SUITE 1300 PHOENIX, ARIZONA 85003-1611 (602) 262-6761

## **VERIFICATION**

STATE OF AR	
County of Mar	opa) ss.
N	ICHAEL J. CYNECKI, being duly sworn upon his oath, deposes and states
as follows:	
1	That he is a Traffic Engineering Supervisor with the City of Phoenix
Street Transpo	tation Department;
2	That he has read Staff's First Set of Data Requests received by the
City of Phoenix	in this matter;
3	That he has read the foregoing responses in Applicant City of
Phoenix's resp	onse and knows the contents thereof; and
4	That he provided the information responding, in part, to data request
no. 1.11 and th	e responses that inquire of matters within his personal knowledge are true
and correct.	MICHAEL J. CYNECKI
S	UBSCRIBED AND SWORN to before me this 30th day of September, 2009,
by Michael J. (	ynecki.
	NOTARY PUBLIC
My Commission	n Expires:
august 3	<u> 2010</u>

## **EXHIBIT STF 1.2A**



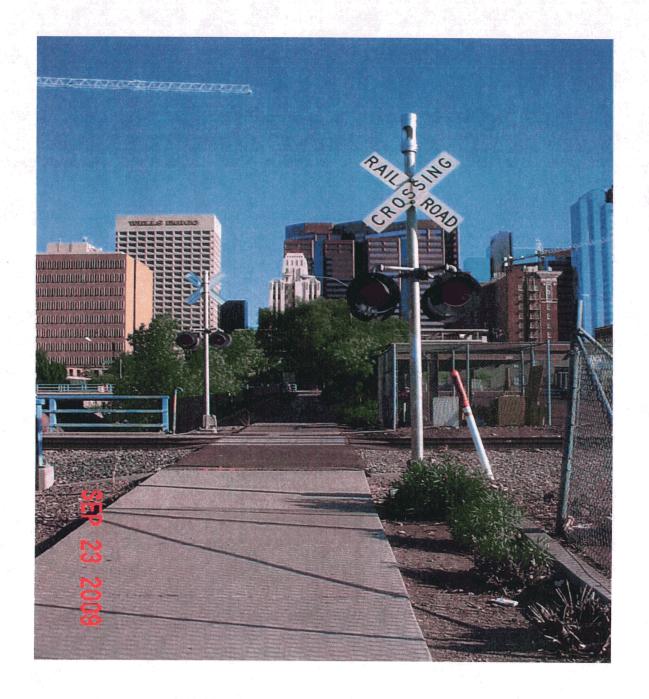
ARIZONA CORPORATION COMMISSION STAFF'S FIRST SET OF DATA REQUESTS TO:

THE CITY OF PHONEIX DOCKET NO. RR-03639A-09-0373

**SEPTEMBER 14, 2009** 

QUESTION STF 1.2 NORTH SIDE OF TRACKS WARNING DEVICES AND SIGNAGE EXHIBIT STF 1.2 A

## **EXHIBIT STF 1.2B**

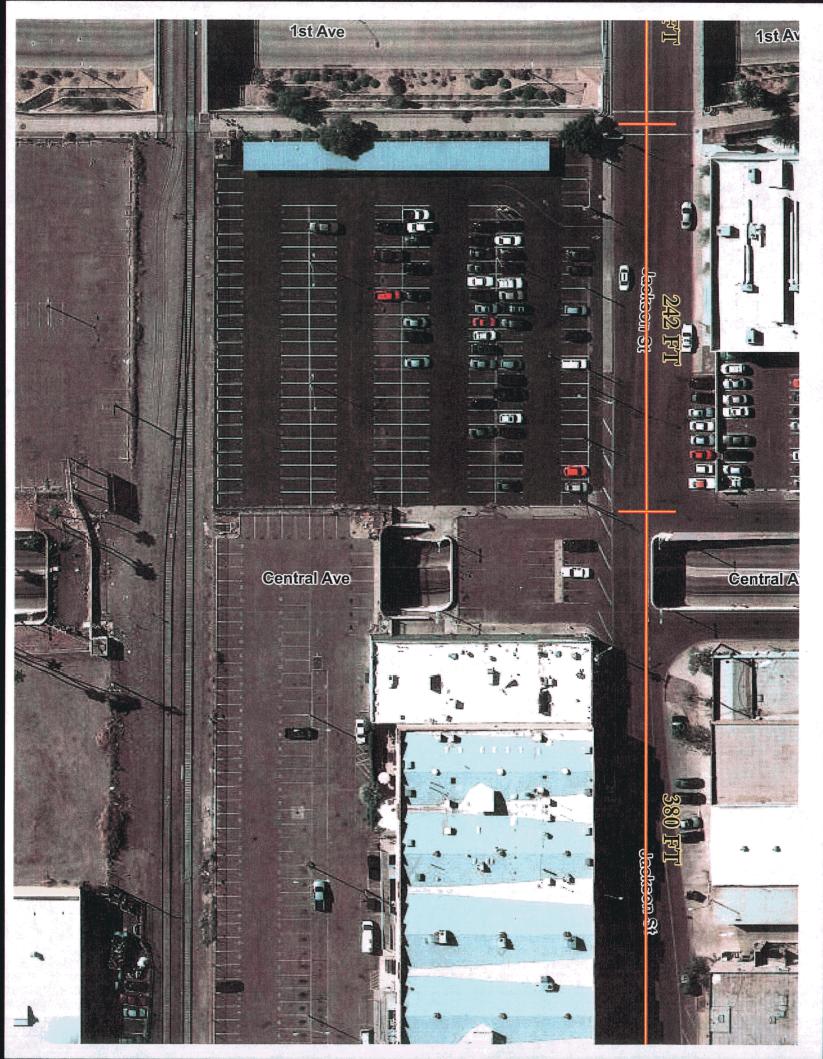


ARIZONA CORPORATION COMMISSION STAFF'S FIRST SET OF DATA REQUESTS TO:

THE CITY OF PHONEIX DOCKET NO. RR-03639A-09-0373

**SEPTEMBER 14, 2009** 

QUESTION STF 1.2 SOUTH SIDE OF TRACKS WARNING DEVICES AND SIGNAGE EXHIBIT STF 1.2 B

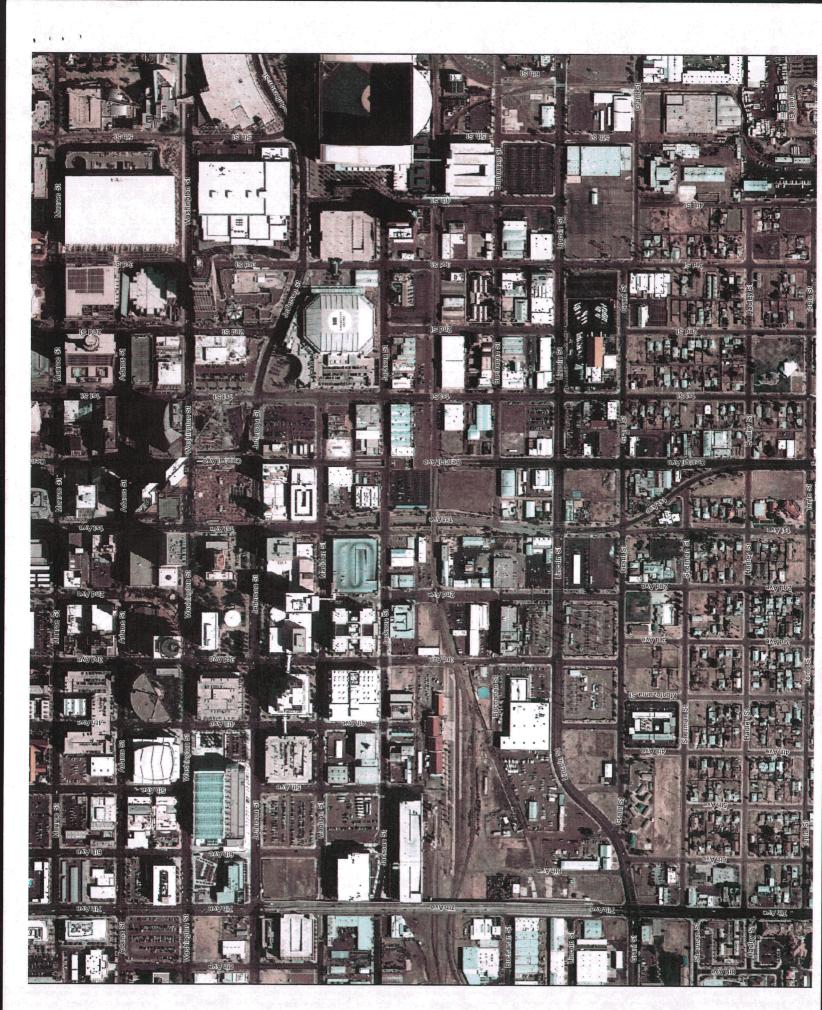


## **EXHIBIT STF 1.10**





# **EXHIBIT 1.12A**



**EXHIBIT 1.12B** 

